

**REGULAR MEETING
CITY COUNCIL
September 1, 2005**

ROLL CALL:

MR. WOJCIK, MR. DUNNE, MR. JUDGE, MR. KROGH, MR. MAHONEY, MRS. COLLIER, MS. MESSICK, MR. ARMET,
MRS. MAHAR DERGURAHIAN

ABSENT:

PUBLIC FORUM: LIST OF SPEAKERS ON FILE IN THE CLERK'S OFFICE

Local Law No. _____ Intro #1. _____ Date September 1, 2005
At the request of Administration, Mayor Tutunjian Seconded by Armet

L.L. #1

LOCAL LAW NO. 1 of 2005

“REINVEST IN TROY EXEMPTION (RITE)”

**A LOCAL LAW CREATING CHAPTER 82
OF THE CODE OF THE CITY OF TROY CREATING
PARTIAL EXEMPTION FROM REAL PROPERTY TAXATION
FOR CERTAIN HOME IMPROVEMENTS PURSUANT TO
SECTION 421-F OF THE NEW YORK STATE REAL PROPERTY TAX LAW**

WHEREAS, Section 421-f of the NYS Real Property Tax Law authorizes the adoption of a local law to grant real property tax exemptions for certain home improvements;

BE IT ENACTED by the City Council of the city of Troy as follows:

Chapter 82 of the City Code is hereby created as:

The Home Improvement Exemption.

82-1 Exemption granted.

Residential building, which for the purposes of this Article shall mean any building or structure designed and occupied exclusively for residential purposes by not more than two families, that are reconstructed, altered, or improved shall be exempt from taxation levied by the City of Troy on the increase in assessed value attributable to such reconstruction, alteration, or improvement to the extent provided hereinafter, pursuant to

section 421-f of the New York State Real Property Tax Law. The length of said exemption shall be eight years.

Such exemption shall be computer in accordance with the following table:

<u>Year of Exemption</u>	<u>Percentage of the “exemption base” exempt from tax</u>
1	100
2	87.5
3	75
4	62.5
5	50
6	37.5
7	25
8	12.5

82-2 Exemption base and market value defined.

A. The “exemption base” shall be the increase in assessed value as determined in the initial year of the term of the exemption, except as provided in subparagraph (B) of this section.

B. In any year in which a change in level of assessment of 15% or more is certified for a final assessment roll pursuant to the rules of the state board (ORPS), the exemption base shall be multiplied by a fraction, the numerator of which shall be the total assessed value of the parcel on such final assessment roll (after accounting for any physical or quantity changes to the parcel since the immediately preceding assessment roll), and the denominator of which shall be the total assessed value of the parcel on the immediately preceding final assessment roll. The result shall be the new exemption base, notwithstanding the fact that the assessor receives certification of the change in level of assessment after the completion, verification, and filing of the final assessment roll. In the event that the assessor does not have custody of the roll when such certification is received, the assessor shall certify the recomputed exemption in a manner authorized by the New York State Real Property Tax Law.

C. The exemption shall be limited to a maximum of \$80,000 in increased market value of the property attributable to such reconstruction, alteration, or improvement and any increase in market value contributable to new construction shall not be eligible for an exemption pursuant to this Article. The market value of such reconstruction, alteration, or improvement shall be equal to the increased assessed value

attributable to such reconstruction, alteration, or improvement divided by the most recently established state equalization rate or special equalization rate, unless such rate is 95% or more, in which case the increase in assessed value attributable to such reconstruction, alteration, or improvement is to be considered equal to the market value.

Eligibility Requirements for Exemption.

No exemption pursuant to this Article shall be granted for reconstruction, alteration, or improvement unless:

- (1) such reconstruction, alteration, or improvement was commenced subsequent to the effective date of this Article.
- (2) the value of such reconstruction, alteration, or improvement exceeds \$3,000.
- (3) the greater portion, as so determined by square footage, of the building reconstructed, altered, or improved is at least five years old.
- (4) the property for which the exemption is sought must be a one- or two-family residence.
- (5) the reconstruction, alteration or improvement is not ordinary maintenance or repairs.

82-3 Exemption discontinuance.

A. In the event that a building granted an exemption pursuant to this Article ceases to be used primarily for residential purposes or title thereto is transferred to other than the heirs or distributees of the owner, the exemption granted pursuant to this section shall cease.

B. Upon determining that an exemption granted pursuant to this Article should be discontinued, the assessor shall mail a notice so stating to the owner or owners thereof at the time and in the manner provided by section five hundred ten of the NYS Real Property Tax Law. Such owner or owners shall be entitled to seek administrative and judicial review of such action in the manner provided by law, provided that the burden shall be on such owner or owners to establish eligibility for the exemption.

82-4 Time to file application.

Any exemption pursuant to this Article shall be granted only upon application by the owner thereof on the form prescribed by the state board. The application shall be filed with the Assessor of the City of Troy on

or before the taxable status date of March 1 to be eligible for an exemption to be entered on the assessment roll prepared on the basis of said taxable status date. Improvements to residential buildings must be completed to qualify for the exemption pursuant to this Article.

82-5 This Local Law shall take effect immediately upon its filing with the Secretary of State.

Approved as to form, August 18, 2005

David B. Mitchell, Corporation Counsel

Local Law Intro #1 (Local Law #1 for 2005) ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 09-02-05, Approved 09-13-05 -Returned – 09-14-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 1 **Date** September 1, 2005
Introduced by Council Member Collier
At the request of Administration **Seconded by** Krogh

ORD. #1

**ORDINANCE AUTHORIZING THE GRANTING OF AN EASEMENT
OVER CITY-OWNED LAND TO THE ABUTTING LANDOWNER FOR INGRESS AND EGRESS TO
HIS PROPERTY AT 27 THORNTON STREET**

The City of Troy, convened in the City of Troy, ordains as follows:

Section 1: The property at 27 Thornton Street has no legal access to a public street. This residential property cannot be the subject of bank mortgaging or refinance or equity loan.

Section 2: This property is occupied by a City taxpayer and his family, and they are utilizing a pathway across City property to access their house from the City's street.

Section 3: The Mayor is hereby authorized to grant an Easement to the owner or owners of 27 Thornton Street for ingress and egress to and from their house at said address. Such easement shall run with the land, subject to the City's right to enter thereon for necessary repair or replacement of water or sewer lines.

Section 4: This ordinance shall take effect immediately.

Approved as to form, August 18, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 09-02-05, Approved- 09-13-05 Returned – 09-14-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 2 Date September 1, 2005

Introduced by Council President DerGurahian

At the request of Administration Seconded by Collier

ORD. #2

**ORDINANCE AMENDING THE 2005 CITY BUDGET TO TRANSFER FUNDS WITHIN THE
GENERAL FUND BUDGET LINES**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2005 budget is herein amended as set forth in Schedule A entitled:

September 2005 Budget Amendment

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, August 18, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 09-02-05, Approved- 09-13-05 Returned – 09-14-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 3a Date September 1, 2005
 Introduced by Council Member Wojcik
 Motion to table Wojcik Seconded by Messick

TABLED

ORD. #3a

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
 PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
 LOCATED IN THE CITY OF TROY AND ON THE
 ASSESSMENT ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in a certain stipulations on file with the office of the Corporation Counsel:

Troy Slag Products Co., Inc. 111.35-1.1/1

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations and shall authorize the City Treasurer of the City of Troy to prepare new tax bills in the proper form based on the above referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax rolls shall be adjusted accordingly and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, August 18, 2005

David B. Mitchell, Corporation Counsel

Motion to TABLE ADOPTED by the following vote:

Ayes: 8

Noes: 1 - Dunne

Abstain: 0

Ordinance No. 3b Date September 1, 2005
 Introduced by Council Member Wojcik
 At the request of Administration Seconded by Krogh

ORD. #3b

**ORDINANCE APPROVING SETTLEMENT OF CERTIORARI
PROCEEDING INSTITUTED BY VARIOUS PROPERTY OWNERS
LOCATED IN THE CITY OF TROY AND ON THE
ASSESSMENT ROLL OF THE CITY OF TROY**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The Corporation Counsel of the City of Troy is hereby authorized to compromise and settle certiorari proceedings instituted by the following taxpayers as provided in certain stipulations agreed upon by the office of the Corporation Counsel and the attorney for the Petitioner:

Joseph T. Casale

112.4-12-113

Section 2. The Corporation Counsel of the City of Troy is hereby authorized to execute the necessary stipulations for the settlement of the proceedings and the Orders based on said stipulations shall authorize the City Treasurer of the City of Troy to prepare a new tax bills in the proper form based on the above-referenced assessments and shall further authorize the Department of Finance and the City of Troy to revise the assessment roll for years involved to reflect said changes.

Section 3. Upon receipt by the City Treasurer and the City Comptroller of the executed Stipulations and Orders, said tax rolls shall be adjusted accordingly, and the necessary refunds will be made to the respective property owners.

Section 4. This Ordinance shall take effect immediately.

Approved as to form, August 18, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 1 - Judge

Abstain: 0

Sent to the Mayor for Executive Action 09-02-05, Not Endorsed 09-13-05 Returned – 09-14-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 4 **Date** September 1, 2005
Introduced by Council President DerGurahian
At the request of Administration **Seconded by** Mahoney

ORD. #4

**ORDINANCE APPROPRIATING FUNDS FOR THE
UNCLE SAM BIRTHDAY PARADE**

The City of Troy, in City Council convened, ordains as follows:

The City Council hereby authorizes the expenditure of \$4,500 from General Fund Code A7150-432-0000 for the purposes of supporting the Uncle Sam Birthday Parade.

These funds are being allocated in remembrance of Uncle Sam Wilson, our native son. These funds will be used to celebrate the birthday of Uncle Sam and to bring together the citizens of Troy to honor and appreciate our proud heritage.

Approved as to form, August 18, 2005

David B. Mitchell, Esq., Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 1 - Armet

Abstain: 0

Sent to the Mayor for Executive Action 09-02-05, Approved- 09-13-05 Returned – 09-14-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 5 **Date** September 1, 2005
Introduced by Council President DerGurahian
At the request of Administration **Seconded by** Krogh

ORD. #5

**ORDINANCE AMENDING THE 2005 CITY BUDGET
TO ACCEPT FUNDS FROM THE STATE OF NEW YORK
FOR THE PURPOSE OF PURCHASING A STREET SWEEPER**

The City of Troy, in City Council, convened, ordains as follows:

Section 1. The City of Troy 2005 Budget is hereby amended to accept funds paid to the City from a special NYS grant and appropriating those funds to the Streets Bureau for the purchase of a street sweeper as provided in Schedule "A" entitled

Budget Amendment – Street Sweeper Purchase

which is attached hereto and made a part hereof

Section 2. This act will take effect immediately.

Approved as to form, August 25, 2005

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 09-02-05, **Approved-** 09-13-05 **Returned –** 09-14-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Ordinance No. 6 **Date** September 1, 2005
Introduced by Council Member Collier
At the request of Administration **Seconded by** _____
ORD. #6

WITHDRAWN

ORDINANCE RESTRICTING THE INSTALLATION OF SATELLITE DISHES TO THE REAR, SIDE OR ON A ROOFTOP OF A BUILDING

The City of Troy, in City Council convened, ordains as follows:

Section 1. A new chapter of the Troy City Code, Chapter 284, is hereby created, entitled Satellite Dish Installation Restriction. The purpose of this ordinance is to restrict the installation of satellite dishes to the rear, side or on a rooftop not exceeding four (4) feet above the roof line.

- a. No person shall be allowed to construct or erect a satellite dish on the front façade of any building or structure facing public property. Satellite dishes and antennas are regulated by the City of Troy for the purpose of protecting the health and safety of the people and properties in the City and for preserving the aesthetic quality of neighborhoods where satellite dishes and antennas are installed.

For receive-only dishes and antennas, the purpose of this section is to provide for the safety of the general public and preservation of the aesthetic quality of the neighborhood by controlling installations so that they blend in with the appearance of the subject property and surrounding properties to the extent practicable, and are installed and secured in a safe manner.

This section shall not be interpreted in such a manner as to prevent or impose unreasonable limitations on the reception of satellite-delivered signals by receive-only dishes and/or antennas, or to impose cost or other burdens on the users of the receive-only satellite dish/antennas which are excessive in light of the purchase and installation cost of equipment.

- b. Any new satellite dish/antenna or existing satellite dish/antenna not brought into conformance as defined in subsection (d) herein, which does not meet the standards set forth in (a) above shall be treated as a special use in any zoning district, subject to approval in accordance with the area's zoning standards, pursuant to Chapter 285 of the Troy City Code. An applicant seeking a special use under this section for a receive-only satellite dish/antenna shall not be required to pay an application fee to the City for the special use hearing.

In considering an application for a special use permit, the Zoning Board of Appeals also shall be guided by the purpose and policy set forth in paragraph (a) of this section. In addition, the satellite dish shall, to the extent practicable and consistent with the foregoing, be located so as to minimize its visibility from surrounding properties and public ways.

- c. Any satellite dish which is installed shall comply with all other ordinances of the City of Troy.
- d. Any and all pre-existing, non-conforming satellite dish installations must be brought into conformity within six (6) months from the effective date of this ordinance. Violations of this ordinance shall be subject to all due process and penalty provisions of the Troy City Code Zoning Ordinance and shall be enforced under the auspices of the Director of the Bureau of Code Enforcement.

Section 2. This ordinance shall become effective immediately.

Approved as to form, August 25, 2005

David B. Mitchell, Esq., Corporation Counsel

Ordinance WITHDRAWN by Collier

Ayes: 0

Noes: 0

Abstain: 0

Ordinance No. 7 **Date** September 1, 2005

Introduced by Council Member Collier

At the request of Administration **Seconded by** _____

ORD. #7

WITHDRAWN

**ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A RELEASE OF REVERTER
ATTACHED TO THE DEED OF 245 CONGRESS STREET, TROY, NEW YORK PURSUANT TO
THE ATTACHED ESCROW AGREEMENT**

The City of Troy, in City Council convened, ordains as follows:

Section 1. They Mayor of the City of Troy is hereby authorized to release the reverter in the deed conveyed to Rensselaer Polytechnic Institute on January 24, 2004, which was recorded in the Rensselaer County Clerk's Office on March 17, 2004.

Section 2. The reverter shall not be executed, transferred or filed until the terms of the escrow agreement, attached hereto and made a part hereof, are complied with.

Section 3. This ordinance shall become effective immediately.

Approved as to form, August 26, 2005

David B. Mitchell, Esq., Corporation Counsel

Ordinance WITHDRAWN by DerGurahian

Ayes: 0

Noes: 0

Abstain: 0

Resolution No. 1 **Date** September 1, 2005

Introduced by Council President DerGurahian and Mayor Tutunjian

At the request of Administration **Seconded by** Judge

RES #1

**RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING TO FIND AN AGREEABLE LOCATION ON CITY
OWNED PROPERTY FOR THE CONSTRUCTION AND PLACEMENT OF THE
"ARMENIAN HERITAGE MEMORIAL MONUMENT"**

WHEREAS, in commemoration of the 90TH anniversary of the Armenian Genocide, the Knights of Vartan, Davros Lodge #25 in Troy, is spearheading an Armenian Heritage Memorial Monument project in the City of Troy, and;

WHEREAS, the Knights of Vartan, Davros Lodge #25 in Troy, have asked the City of Troy to designate a location, on City owned property, for the Knights of the Vartan to construct a monument on, and

WHEREAS, the City Council of the City of Troy recognizes the desire and need for the construction of this monument in recognition of the sacrifice, loyalty and enduring patriotism the Armenian community has given to the City of Troy, the State of New York and to the United States of America in the pursuit of enduring freedom.

NOW THEREFORE BE RESOLVED THAT, the City Council of the City of Troy hereby authorizes the Mayor to enter into a memorandum of understanding with the Knights of Vartan, Davros lodge #25 in Troy, to find an agreeable location, on City- owned property, for the construction and placement of the Armenian Heritage Memorial Monument.

Approved as to form, August 18, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 09-02-05, Approved- 09-13-05 Returned – 09-14-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 2 **Date** September 1, 2005
Introduced by Council President Pro Tem Judge
At the request of Administration **Seconded by** Mahoney

RES #2

RESOLUTION AUTHORIZING THE MAYOR OF THE CITY OF TROY TO ENTER INTO AN AGREEMENT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE 2004 HUDSON RIVER ESTUARY GRANT (HRE) FOR THE INGALLS AVENUE PARK PROJECT

WHEREAS, the City of Troy is seeking to acquire land on Ingalls Avenue on which the City intends to construct a park to include a boat launch, fishing access and historic interpretive facilities, and

WHEREAS, the purchase of these lands will represent a next step for a 2002 HREP grant award for planning work and will fulfill objectives developed in the City's LWRP, Waterfront Plan and North Central Riverfront Greenway Trail project to establish a public park and boat launch at the foot of Ingalls Avenue and to increase public access to the Hudson River Shoreline.

NOW THEREFORE BE RESOLVED THAT, the City Council of the City of Troy hereby authorizes the Mayor of the City of Troy to enter into an agreement with the New York State Department of Environmental Conservation for the 2004 Hudson River Estuary Grant (HRE) for the Ingalls Avenue Park project.

Approved as to form, August 18, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Action 09-02-05, Approved- 09-13-05 Returned – 09-14-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 3 Date September 1, 2005
Introduced by Council President DerGurahian
At the request of Administration Seconded by Armet
RES #3

RESOLUTION EXPRESSING THE DESIRE OF THE CITY COUNCIL FOR THE DEVELOPMENT BY THE CITY PLANNING DEPARTMENT OF A WATERFRONT OVERLAY ZONING DISTRICT

WHEREAS, the waterfront of this City can be a many-faceted asset of paramount importance in the City's development; and

WHEREAS, in considering increased access to the Hudson River, commercial and industrial development, residential enhancement and preservation and beautification where feasible, the City Planning Board should begin a process leading to zoning restrictions all along the City's waterfront; and

WHEREAS, agency and citizen input should be considered and evaluated, but it is most important that this process should begin now.

THEREFORE BE IT RESOLVED, that the City Council of the City of Troy hereby expresses its desire that the Planning Board undertake the creation of a Waterfront Overlay Zoning District.

Approved as to form, August 18, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 09-02-05, Not Endorsed 09-13-05 Returned – 09-14-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 4 **Date** September 1, 2005
Introduced by Council President DerGurahian
At the request of Administration **Seconded by** Judge
RES. #4

RESOLUTION APPOINTING COMMISSIONER OF DEEDS

BE IT RESOLVED, that the City Council hereby appoints the following persons, as identified in Schedule “A”, attached hereto and made a part hereof, Commissioners of Deeds for the City of Troy for the terms identified in Schedule “A”.

Approved as to form, August 18, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 09-02-05, Approved- 09-13-05 Returned – 09-14-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 5 Date September 1, 2005
 Introduced by Council President DerGurahian
 At the request of Administration Seconded by Dunne
RES #5

**RESOLUTION AUTHORIZING THE MAYOR AND CITY COUNCIL TO ENTER INTO A
 MEMORANDUM OF UNDERSTANDING WITH GEORGE JACQUES TO LOCATE AN
 AGREEABLE SITE WITHIN PROSPECT PARK FOR THE CONSTRUCTION OF A REPLICA OF
 UNCLE SAM'S HOUSE**

WHEREAS, in commemoration and recognition of Uncle Sam and his
 contributions to the City of Troy, the State of New York and the United States of
 America, George Jacques would like to construct a replica of the home of Uncle Sam,
 and

WHEREAS, George Jacques has offered to construct this replica at no cost to
 the City of Troy, and

WHEREAS, George Jacques desires to construct this replica in Prospect Park, in
 the City of Troy, the home of Uncle Sam.

NOW THEREFORE BE RESOLVED THAT, the City Council of the City of
 Troy hereby authorizes the Mayor to enter into a memorandum of understanding with
 George Jacques to locate an agreeable site within Prospect Park for the construction of a
 replica of Uncle Sam's House.

Approved as to form, August 25, 2005

 David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 09-02-05, Approved- 09-13-05 Returned – 09-14-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No.	<u>6</u>	Date	<u>September 1, 2005</u>
Introduced by Council President	<u>DerGurahian and President Pro Tem Judge</u>		
Motion to amend	<u>Armet</u>	Seconded by	<u>Dunne</u>
At the request of		Seconded by	<u>Mahoney</u>

RES. #6

**RESOLUTION CALLING UPON GOVERNOR GEORGE E. PATAKI
AND THE NEW YORK STATE LEGISLATURE TO AMEND THE SEX OFFENDER
REGISTRY ACT TO PROHIBIT LEVEL 2 AND
LEVEL 3 SEX OFFENDERS FROM LIVING WITHIN ONE THOUSAND (1,000) Feet
OF SCHOOLS, PLAYGROUNDS, PARKS,
YOUTH CENTERS, REGISTERED DAY CARE CENTERS, ETC.**

WHEREAS, New York State's Sex Offender Registration Act was signed by Governor George E. Pataki in July 1995, and became effective on January 21, 1996; and

WHEREAS, New York State's Sex Offender Registration Act requires registration as a sex offender upon a conviction of a listed offense or a conviction for an attempt to commit a listed offense; and

WHEREAS, New York State's Sex Offender Registration Act does not prohibit sex offenders registered under the Act from living in close proximity to facilities where children congregate (i.e., schools, playgrounds, parks, youth centers, registered day care centers, etc.).

NOW, THEREFORE BE IT RESOLVED, THAT THE City of Troy City Council hereby calls upon Governor George E. Pataki and the New York State Legislature to amend the Sex Offender Registration Act to prohibit Level 2 and Level 3 sex offenders from living within one thousand (1,000) feet of schools, playgrounds, parks, youth centers, registered day care centers, etc.

AND, BE IT FURTHER RESOLVED, requests Mayor Harry J. Tutunjian forward to all New York State Cities and the New York Conference Of Mayors and Municipal Officials a copy of the Resolution proposing a change to the Sex Offender Registration Act; and respectfully request their support.

Approved as to form, August 18, 2005

David B. Mitchell, Corporation Counsel

Motion to amend Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Resolution as Amended ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 09-02-05, Approved- 09-13-05 Returned – 09-14-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 7 **Date** September 1, 2005
Introduced at the request of the administration by Mayor Tutunjian
Seconded by Dunne

RES. #7

**RESOLUTION PROCLAIMING SEPTEMBER 14TH
 NATIONAL ANTHEM PROJECT DAY**

WHEREAS, the Star-Spangled Banner was adopted as the National Anthem of the United States in 1931 by an Act of Congress, and

WHEREAS, the cities and states play an important role in protecting American culture as do music educators, tasked with teaching American children songs like the National Anthem,

WHEREAS, the study of American heritage through music inspired by important moments in our nation's history is basic to a complete education and the future of our country and its citizens; and

WHEREAS, school music education ensures that students learn to take pride in all for which our nation stands through the use of songs that teach the history and heritage of the United States; and

WHEREAS, the study of music provides increased opportunities for valuable educational experiences, engages students in individual and group activities, develops creativity, problem-solving, and critical thinking skills; and

WHEREAS, the City of Troy, the Home of Uncle Sam, is concerned with maintaining the improving high quality school music programs for all students and teaching the importance of historical events that created our great nation, and

WHEREAS, the Mayor of the City of Troy and the City Council recognizes and commends local music teaches, the National Association for Music Education (MENC), and the National Anthem Project for their commitment to enhancing the quality of music education in Troy schools and their efforts to restore American heritage and promote the significance of the National Anthem; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor of the City of Troy and the City Council hereby proclaims September 14 National Anthem Project Day in the City of Troy, endorses the National Anthem Project as an opportunity to support music education and promote American traditions, and encourages all citizens to participate.

Approved as to form, August 18, 2005

David B. Mitchell, Corporation Counsel

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 09-02-05, Approved- 09-06-05 Returned – 09-14-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. 8 Date September 1, 2005
 Introduced by Council Member Collier & Wojcik
 Motion to add Resolution Wojcik Seconded by Dunne
 At the request of Administration Seconded by Collier, Armet

Res. #8

RESOLUTION URGING THE NEW YORK STATE LEGISLATURE TO SUSPEND THE STATES 4% SALES TAX ON GASOLINE

WHEREAS, the Troy City Council is urging the New York State Legislature to suspend the 4% sales tax on gasoline so the taxpayers can afford to drive their vehicles without having to sacrifice dipping into their savings or sacrificing other obligations to survive the ever- increasing gasoline prices.

WHEREAS, the hardworking people should not have to pay an additional 4% state sales tax for gasoline that is necessary for people to go about their daily lives.

WHEREAS, New York State residents, visitors and business are paying various other fuel taxes and should be getting relief from their State Legislature during this time when the gasoline prices are rising excessively out of control.

WHEREAS, gasoline has now risen above \$3.00 per gallon and the cost of gas to the average person has become unaffordable.

NOW, THEREFORE BE IT RESOLVED, that the Troy City Council urges the New York State Legislature to temporarily suspend the 4% sales tax on gasoline.

AND BE IT FURTHER RESOLVED, that the suspension of the sales tax on gasoline would provide immediate relief to all individuals who drive vehicles.

AND BE IT FURTHER RESOLVED, the State Legislature has shown their willingness to do this in the past with the suspension of sales tax on clothing.

AND BE IT FURTHER RESOLVED, the Troy City Council is directing the City Clerk to forward this resolution to the New York State Assembly, New York State Senate and Governor Pataki's office.

Approved as to form, September 1, 2005

David B. Mitchell, Corporation Counsel

Motion to add Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 09-02-05, Approved- 09-13-05 Returned – 09-14-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Resolution No. <u>9</u>	Date <u>September 1, 2005</u>
Introduced by Council Member <u>DerGurahian</u>	Seconded by <u>Multiple Council Members</u>
Motion to add by <u>DerGurahian</u>	Seconded by <u>Messick</u>

RES. #8

**RESOLUTION CHANGING THE POLLING PLACE FOR
ELECTION DISTRICT #32 IN THE CITY OF TROY**

BE IT RESOLVED, that the polling place for Election District #32 in the City of Troy for the 2005 election cycle, in accordance with the Election Law, or relative thereto, has been changed to the Osgood Firehouse, per the Schedule annexed hereto and made a part hereof.

Approved as to form, August 29, 2005

David B. Mitchell, Corporation Counsel

Motion to add Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Resolution ADOPTED by the following vote:

Ayes: 9

Noes: 0

Abstain: 0

Sent to the Mayor for Executive Action 09-02-05, Approved- 09-13-05 Returned – 09-14-05

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Meeting adjourned 8:45pm.